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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8001-1182	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number <b>10/715,530</b>	Filed <b>11/19/03</b>
		First Named Inventor <b>Takashi MASUDA</b>	
		Art Unit <b>3654</b>	Examiner <b>W. Rivera</b>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <b>32,925</b></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			
<p><b>Andrew J Patch</b> Signature <b>ANDREW J PATCH</b> Typed or printed name <b>703-521-2297</b> Telephone number <b>16 DEC 05</b> Date</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
8001-1182

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Takashi MASUDA

Conf. 5582

Application No. 10/715,530

Group 3654

Filed November 19, 2003

Examiner W. Rivera

TAPE THREADING APPARATUS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents

December 16, 2005

P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Official Action of September 16, 2005 repeats the rejection of all claims as anticipated by or obvious based on TSUCHIYA et al. 6,471,150 based on a misreading of the claims relative to the reference.

The Official Action regards the "holding element" (claim 1 and claim 13) and the "means for selectively restraining and releasing rotation" (claim 12) as reading on the plate springs 14 in Figs. 21 and 22 of the reference. See the last full paragraph on page 3 of the final rejection.

However, the plate springs 14 of TSUCHIYA engage the leader pin 1-2 (see the paragraph bridging columns 5 and 6 of TSUCHIYA), which is merely the pin provided at the pay-out end of the tape. The plate springs 14 of TSUCHIYA thus do not

correspond to the holding element or to the selective restraining means of the present claims.

In claims 1 and 13, the recited holding element is required to be selectively engageable with and disengageable from the earlier-recited shaft, which shaft rotatably connects the leader block and the carriage (see, for example shaft 5B in present Figs. 4A-4C). The corresponding element in TSUCHIYA is for example the pin 12-1 in Fig. 19, not the leader pin 1-2, which latter element does not rotatably connect the leader block and the carriage. The leader block of TSUCHIYA appears always to be freely rotatable relative to that pin 12-1 (see column 4, lines 9-18).

Similarly, claim 12 recites means for selectively engaging with and disengaging from the earlier-recited means for rotatably connecting the leader block and the carriage. It is the pin 12-1 in Fig. 19, not the leader pin 1-2, that rotatably connects the leader block to the carriage, and there is no disclosure in TSUCHIYA of means for selectively engaging with and disengaging from pin 12-1 so as to restrain and release the leader block.

Therefore, when the independent claims 1, 12 and 13 are read correctly relative to TSUCHIYA, it is believed to be clear that the reference is not anticipatory.

The proposed combination of TSUCHIYA et al. in view of NEMETH (U.S. Patent No. 6,318,656) as applied to dependent claims

2-9 does not improve the reference value of TSUCHIYA alone. The final rejection relies on clamp 113 (comprising spring 121 and first tab 142) in Figure 12 of NEMETH as a teaching of structure for more securely holding the leader pin. However, the spring-loaded clamp of NEMETH does not cause the leader block to selectively engage and disengage the shaft on which it is rotatably mounted. Instead, the spring-loaded clamp of NEMETH serves solely to more securely hold the leader pin. The differences between NEMETH and preferred embodiments of the present invention are apparent in present Figs. 2 and 4A-4C, wherein it can be seen that the preferred holding element of those embodiments includes not only a spring-loaded tab 11 for more securely holding the leader pin in slots 10a, but also portion 11b of the holding element structure, which selectively engages with the rotary shaft 5b (see Fig. 4A), and disengages therefrom (see Figs. 4B and 4C).

It is therefore believed this application should be allowed without the necessity of filing an Appeal Brief.

Respectfully submitted,

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